

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**EXHIBIT**

**5**

SUSIE ZAPATA and MONICA GARCIA

Plaintiff,

v.

No. 1:21-cv-00083-CG-JFR

JAMES YATES, JOHN DOES,  
ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BESHEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC

Defendants.

**DECLARATION OF EVANGELINE CHAVEZ-QUINTANA**

1. I, Evangeline Chavez-Quintana, am over the age of eighteen and am competent to testify as to the matters set forth herein.

2. My testimony is based on my personal knowledge and regards matters to which I am competent to testify.

3. I was incarcerated at Western New Mexico Correctional Facility (hereinafter “WNMCF” or “women’s prison”) from approximately 2017 through 2019.

4. While I was incarcerated at WNMCF, I saw large numbers of rodents and rodent feces every day throughout the prison.

5. I worked in the kitchen at WNMCF for approximately one year while I was incarcerated at the women’s prison.

6. While I was incarcerated at WNMCF, I saw the largest number of rodents in the prison’s kitchen.

7. Inmates viewed a food service job as the worst job you could possibly have at the women's prison because the rodent infestation is completely out of control in the kitchen.

8. While I worked in the WNMCF kitchen, I worked as a "floater," which required me to do a variety of different tasks related to food service.

9. The only time the WNMCF kitchen and cafeteria were thoroughly cleaned was in preparation for an inspection.

10. On several occasions, I saw Plaintiff Susie Zapata killing rodents with a broom in the kitchen at the women's prison.

11. On approximately four or five occasions, I also killed rodents in the WNMCF kitchen using a broom.

12. In my opinion, Defendants were completely indifferent to the danger posed by the rodent infestation to the physical health of inmates.

13. I never observed Defendant Sanchez taking any significant steps to address the rodent infestation.

14. I never heard Defendant Sanchez express any concern about the rodent infestation.

15. When rodent feces were discovered in food, Defendant Estevan regularly ordered inmates working in the kitchen to scoop out the feces and still serve the remainder of the food.

16. The infestation was so out of control in the WNMCF kitchen that rodents would sometimes run across my feet and the feet of other inmates while we were working.

17. Glue traps and other traps designed to capture rodents were completely ineffective in controlling the infestation at the women's prison.

18. I was present with Plaintiffs when a dead rodent was discovered in a large vat of oatmeal that was being served to inmates.

19. Finding a dead rodent in oatmeal that had already been served to inmates made me, Plaintiffs and every other inmate present feel intense nausea, disgust and stress.

20. I felt extreme stress every day I worked in the kitchen because of the rodent infestation.

21. Because of the rodent infestation, it felt like torture to me to work in the kitchen at the women's prison.

22. I felt extreme stress living, working, eating and sleeping at WNMCF because of the rodent infestation.

23. Because of their complete indifference to the rodent infestation and their willingness to serve food contaminated by rodents, I believe that Defendants didn't care whether inmates at the women's prison lived or died.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_\_ day of March 2021.

  
\_\_\_\_\_  
Evangelina Chavez-Quintana

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SUSIE ZAPATA and MONICA GARCIA

Plaintiff,

v.

No. 1:21-cv-00083-CG-JFR

JAMES YATES, JOHN DOES,  
ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BESHEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC

Defendants.

**DECLARATION OF SHANNON MCDEVITT**

1. I, Shannon McDevitt, am over the age of eighteen and am competent to testify as to the matters set forth herein.

2. My testimony is based on my personal knowledge and regards matters to which I am competent to testify.

3. I was incarcerated at Western New Mexico Correctional Facility (hereinafter “WNMCF” or “women’s prison”) from approximately 2017 through 2019.

4. I worked in the kitchen at WNMCF from approximately 2017 through 2018.

5. I worked as the morning baker in the kitchen at the women’s prison.

6. The rodent infestation at WNMCF extends to many parts of the prison, but it was worst in the kitchen and cafeteria.

7. The only time the WNMCF kitchen and cafeteria were thoroughly cleaned was in preparation for an inspection.

8. Defendant Estevan and Defendant Sanchez ordered inmates to spend several days scrubbing the kitchen to prepare for inspections.

9. Along with Plaintiff Susie Zapata, I was one of the few women working in the WNMCF kitchen who had the task of killing rodents.

10. Defendant Estevan ordered us to kill rodents whenever she saw them in the kitchen.

11. I killed rodents almost every day that I worked in the WNMCF kitchen.

12. I remember regularly seeing Susie kill rodents with a broom or mop while she worked in the women's kitchen.

13. My method for catching and killing rodents was to capture them in plastic bags, stomp on them until they were dead, and then throw them away.

14. Sometimes, I would catch rodents with a plastic bag wrapped around my hands.

15. Sometimes, I would snatch rodents by their tails and throw them into plastic bags.

16. When I found a live rodent in a glue trap, I would put the trap and rodent into a plastic bag, stomp on it, and throw it away.

17. Because of the enormous magnitude of the rodent infestation at the women's prison, glue traps and other traps for catching rodents were completely ineffective in controlling the infestation.

18. I found rodent nests approximately once or twice per week while I worked in the WNMCF kitchen.

19. Sometimes I would shake the vent that extended from the floor to the ceiling in the WNMCF kitchen and rodent nests would drop out onto the floor.

20. Sometimes I would insert a broom handle or other item up piping in the kitchen to dislodge rodent nests.

21. Pink baby rodents were almost always mixed into the rodent nests when I found them.

22. Whenever I found a rodent nest I would put the entire nest into a plastic bag, stomp on it, and throw it away.

23. On one occasion, I found a nest with approximately seven pink rodent babies and an adult rodent in a mop bucket. I dumped the entire nest with the rodents into a plastic bag, stomped on it, and threw it into the trash.

24. Defendant Estevan and Defendant Sanchez never gave us gloves or any other protective gear when we were ordered to kill rodents or to dispose of rodent nests in the kitchen at the women's prison.

25. I regularly found holes in food bags chewed by rodents while I worked in the WNMCF kitchen.

26. Defendant Estevan would order me to still use the food in bags that had been chewed into by rodents.

27. Defendant Estevan regularly ordered me to sort through dry food in storage bags and remove any rodent feces that I found.

28. I regularly found and removed rodent feces from dry food bags while I worked in the WNMCF kitchen.

29. Defendant Estevan always expected me to keep the rest of the food after I removed the rodent feces from the food bags.

30. I never saw Defendant Sanchez do anything effective to control the rodent infestation at the women's prison.

31. In my opinion, Defendant Sanchez was completely indifferent to the danger the rodent infestation posed to the physical health of inmates.

32. During the time I was incarcerated at WNMCF, I was terrified that I might contract Hantavirus Pulmonary Syndrome or some other dangerous disease transmitted by rodents.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 17<sup>th</sup> day of Feb 2021.

  
Shannon McDevitt

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SUSIE ZAPATA and MONICA GARCIA

Plaintiff,

v.

No. 1:21-cv-00083-CG-JFR

JAMES YATES, JOHN DOES,  
ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BESHEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC

Defendants.

**DECLARATION OF LADONNA EVANS**

1. I, Ladonna Evans, am over the age of eighteen and am competent to testify as to the matters set forth herein.

2. My testimony is based on my personal knowledge and regards matters to which I am competent to testify.

3. I was incarcerated at Western New Mexico Correctional Facility (hereinafter “WNMCF” or “women’s prison”) from approximately October 2016 through October 2020.

4. I worked in the kitchen at WNMCF from approximately June 2018 through November 2018.

5. I worked in the kitchen at WNMCF at the same time Plaintiffs worked there.

6. I mainly worked as a cook in the kitchen at the women’s prison, but I also helped with other chores including loading dishes and taking out the trash.

7. The kitchen and cafeteria at WNMCF always smelled putrid because of the rodents.



8. I found rodents or rodent feces in the cookware in the WNMCF kitchen almost every day that I worked there.

9. I and other inmates frequently found rodents or rodent feces in food served from the WNMCF kitchen.

10. Every day I worked in the kitchen at the women's prison I saw rodents running around the areas where we prepared food for inmates.

11. The only time the WNMCF kitchen was cleaned properly was right before an inspection was expected.

12. Right before an inspection was expected, I and other inmates working in the kitchen were given access to all the soap and supplies we needed to clean the kitchen.

13. If an inspection wasn't expected, we never received enough soap and other supplies adequate to keep the kitchen safe and sanitary.

14. When inspectors visited WNMCF, Defendants didn't allow inmates to talk to them.

15. On one occasion, Defendant Estevan told me to look for bags in the dry storage room that had been gnawed into by rodents.

16. On that occasion, I found approximately six bags of food with holes in them created by rodents.

17. In addition to having holes in it, one bag of cereal had a large amount of rodent feces in it.

18. Defendant Estevan told me to scoop out the rodent feces and keep the remainder of the bag of cereal.

19. I couldn't bring myself to do this, so another inmate scooped the rodent feces out of the bag.

20. Defendant Estevan served cereal from that same bag to inmates that morning.

21. I told all the other women to not eat the cereal being served that morning because it had been contaminated by rodents.

22. On another occasion, Defendant Estevan saw a rodent stuck in a glue trap.

23. She told me to throw the rodent and the trap in the garbage.

24. I followed Defendant Estevan's orders and then put a new glue trap down in the same spot.

25. When I looked at the new glue trap a few minutes later, I saw a rodent's tail stuck to the trap.

26. The rodent's tail was still moving.

27. I believe a rodent had gotten stuck in the trap and gnawed off its own tail to escape.

28. While I worked in the WNMCF kitchen, I sometimes prepped food on a table with hollow legs.

29. I regularly saw rodents running in and out of the hollow legs.

30. Knowing that rodents were breeding inside the hollow legs of the table, I asked Defendant Estevan if we could get rid of the table.

31. Defendant Estevan suggested that if she threw the table away she would take the cost of the table out of my paycheck.

32. She then told me to stop worrying about rodents and to get back to work.

33. On another occasion, I was standing next to Defendant Estevan when she slammed a kitchen door causing a pink blob to fall onto the floor.

34. The blob split into 4-6 rodent babies that wriggled across the floor.

35. When Defendant Estevan saw the rodent babies, she simply walked away.

36. During the time I was incarcerated at WNMCF, I became terrified of rodents.

37. While I was incarcerated at WNMCF, I was particularly scared that I might contract Hantavirus Pulmonary Syndrome or some other dangerous disease transmitted by rodents.

38. I did everything I could to avoid eating food served from the WNMCF kitchen because I knew it was contaminated by rodents.

39. Whenever possible, I tried to rely on commissary food.

40. When WNMCF was on lockdown or when I was in segregation, I was often forced to eat food served from the kitchen at the women's prison.

41. Whenever I had to eat food served from the kitchen at WNMCF, I felt like I was going to vomit it back up.

42. From approximately July to September 2019, I was detained in segregation.

43. When I was released from segregation, I was extremely skinny because I had tried to avoid eating the contaminated food served to me from the WNMCF kitchen.

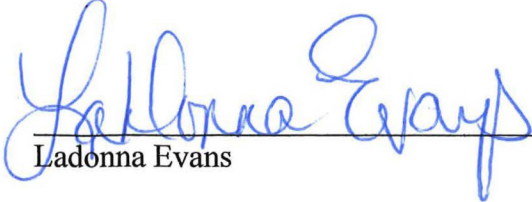
44. I frequently got sick while I was incarcerated at WNMCF, including severe stomachaches and diarrhea.

45. These bouts of illness occurred shortly after I was forced to eat food served by the WNMCF kitchen.

46. A lot of women incarcerated at WNMCF got sick from eating rodent-contaminated food served from the kitchen.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 2<sup>nd</sup> day of March 2021.

  
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Ladonna Evans

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SUSIE ZAPATA and MONICA GARCIA

Plaintiff,

v.

No. 1:21-cv-00083-CG-JFR

JAMES YATES, JOHN DOES,  
ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BESHEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC

Defendants.

**DECLARATION OF JEANNETTE STINNETT**

1. I, Jeannette Stinnett, am over the age of eighteen and am competent to testify as to the matters set forth herein.
2. My testimony is based on my personal knowledge and regards matters to which I am competent to testify.
3. I was incarcerated at Western New Mexico Correctional Facility (hereinafter “WNMCF” or “women’s prison”) from 2017 through May 25, 2019.
4. I worked in the kitchen at WNMCF from approximately early 2018 through early 2019.
5. While incarcerated at WNMCF, I saw rodents everywhere, both inside and outside prison buildings, including in the housing units and showers.
6. In the kitchen, we sometimes found nests with rodent babies and pieces of dead rodents in them.

7. While I worked in the kitchen, I regularly saw rodent feces and evidence that rodents had chewed into bags of food.

8. On one occasion, I saw half of a dead rodent, including the head and front paws, at the bottom of a vat of food that had been served to inmates at the women's prison.

9. On several occasions, I remember seeing Plaintiff Monica Garcia killing rodents in a trash bag after Defendant Estevan directed her to do it.

10. One of the first things I did when I arrived in the WNMCF kitchen in the morning for my shift was to clean up the rodent feces that had accumulated overnight.

11. I often saw rodents running across bags of food in the WNMCF kitchen.

12. For the most part, the kitchen at the women's prison never received a thorough cleaning unless an inspection was scheduled.

13. In my experience, the women's prison is a decrepit facility that hasn't been properly maintained.

14. This lack of proper maintenance allowed the rodent infestation at WNMCF to spin completely out of control.

15. I believe the infestation posed a serious danger to my physical and mental health while I was incarcerated at WNMCF.

16. In my opinion, NMCD and Summit staff didn't care whether the food being served to inmates was unsanitary and contaminated by rodents.

17. On numerous occasions, I witnessed Defendant Sanchez and Defendant Estevan blame each other for the lack of unsanitary conditions in the WNMCF kitchen and cafeteria.

18. Neither Defendant Sanchez nor Defendant Estevan took responsibility for addressing the danger posed by the rodent infestation to inmates at WNMCF.

19. The women I worked with in the kitchen at WNMCF regularly found whole mice and rodent poop in food served to inmates.

20. Due to the rodent infestation, whenever possible I avoided eating food served from the WNMCF kitchen.

21. Especially while in segregation and during lockdowns, I am certain I ate food that was contaminated due to the rodent infestation.

22. Inmates at the women's prison often discussed threats posed to their physical health by the rodent infestation.

23. Inmates at WNMCF were all concerned about the deadly threat posed to their health by rodents carrying hantavirus.

24. Because I knew hantavirus could be transmitted through the air, I was particularly concerned for my physical health whenever I entered a small, enclosed space at WNMCF.

25. I got sick several times while I was incarcerated at WNMCF.

26. It is definitely possible that I got sick at WNMCF because I was forced to eat food contaminated by rodents.

27. While I was incarcerated at the women's prison, I filed grievances 2-3 times about the rodent infestation.

28. NMCD staff sometimes laughed when we filed grievances about the infestation.

29. I quickly learned that it was useless to file grievances about the rodent infestation because NMCD staff weren't concerned about it.

30. Defendant Estevan sometimes served old and spoiled food by mixing it into new batches of food and serving it to inmates.

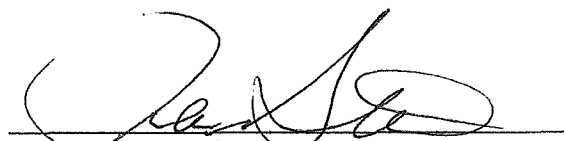
31. Because of the way food got recycled by Defendant Estevan, food that was several weeks old was sometimes incorporated into meals served to inmates at the women's prison.

32. Defendant Estevan and Defendant Sanchez failed to ensure that safe food practices were followed in the WNMCF kitchen.

33. We shouldn't have had to live in the devastation caused by the rodent infestation while we were incarcerated at the women's prison.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 15 day of Feb 2021.

  
Jeannette Stinnett



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SUSIE ZAPATA and MONICA GARCIA,**

**Plaintiff,**

**vs.**

**CIVIL NO. 1:21-cv-00083-MV-JFR**

**JAMES YATES, JOHN DOES,  
ROBERTA LUCERO-ORTEGA,  
ARTHUR SANCHEZ, BESHEEN ESTEVAN,  
and SUMMIT FOOD SERVICE, LLC,**

**Defendant.**

**DECLARATION OF STACY BOND**

1. I, Stacy Bond, am over the age of eighteen and am competent to testify as to the matters set forth herein.

2. My testimony is based on my personal knowledge and regards matters to which I am competent to testify.

3. I currently reside in Cibola County, New Mexico.

4. In approximately November 2018, I was hired by Centurion Health to work as a Mental Health Clinician at Western New Mexico Correctional Facility (“WNMCF” or “women’s prison”).

5. I left this position in approximately December 2020.

6. The entire time I worked at WNMCF, I heard regular complaints from inmates about the rodent infestation at the women’s prison.

7. I personally saw numerous rodents at WNMCF while I worked there, especially near the areas where food is prepared for inmates.

8. Staff who worked in the WNMCF kitchen told me that rodents were a constant presence there.

9. Staff who worked in the WNMCF kitchen told me they often saw rodents running across food as it was being prepared for service to inmates.

10. Inmates at WNMCF told me they sometimes found rodent feces in the food served to them.

11. I personally saw evidence of mice in some of our offices at WNMCF as well.

12. I made sure not to leave any food in our office at WNMCF because I knew it could be contaminated by rodents if I did.

13. During the entire time I worked there, I never saw any effort being made by NMCD staff or anyone else to control the rodent problem at WNMCF.

14. At least twice per month, Centurion Health leadership held group meetings with Centurion Health staff working at WNMCF.

15. On numerous occasions during these meetings, I and other Centurion Health staff raised concerns about the rodent infestation at the women's prison.

16. Everyone who worked at WNMCF knew about the rodent infestation.

17. Everyone knows how dangerous a rodent infestation is to a person's mental and physical health, especially in a congregate setting like a prison.

18. No one in a position of authority, including the individuals who served as wardens and deputy wardens at WNMCF, the individuals responsible for sanitation at WNMCF, or the individuals responsible for food service at WNMCF, took overt steps to bring the infestation to an end and to protect the safety of inmates from the contamination caused by rodents.

19. The rodent infestation at WNMCF is completely unacceptable because it violates the basic human needs of inmates at the women's prison to live, eat and sleep in humane conditions.

20. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9 day of November 2021.

  
Stacy Bond